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August 15, 2013

EX PARTE PRESENTATION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentation in GN Docket No. 12-268, *Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions*; WT Docket No. 12-69, *Promoting Interoperability in the 700 MHz Commercial Spectrum*; WT Docket No. 12-357, *Service Rules for the Advanced Wireless Services H Block—Implementing Section 6401 of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915-1920 MHz and 1995-2000 MHz Bands*; GN Docket No. 13-185, *Amendment of the Commission's Rules with Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network Corporation ("DISH") submits this letter summarizing the following:

- A meeting on Tuesday August 13, 2013 with Tom Peters, Chief Engineer, Wireless Telecommunications Bureau; Renee Gregory, Chief of Staff, Office of Engineering and Technology; John Leibovitz, Deputy Chief, Wireless Telecommunications Bureau; Blaise Scinto, Chief, Broadband Division, Wireless Telecommunications Bureau; Peter Daronco, Associate Chief, Broadband Division, Wireless Telecommunications Bureau; Brian Regan, Legal Advisor, Wireless Telecommunications Bureau; Janet Young, Engineer, Wireless Telecommunications Bureau; and Michael Ha, Engineer, Office of Engineering and Technology. Present on behalf of DISH were Jeffrey Blum, Senior Vice President and Deputy General Counsel; Mariam Sorond, Vice President, Technology Development; and Hadass Kogan, Associate Corporate Counsel.
- A meeting on Wednesday August 14, 2013 with Commissioner Ajit Pai. Present on behalf of DISH were Charlie Ergen, Chairman; Thomas Cullen, Executive Vice President; Stanton Dodge, Executive Vice President and General Counsel; and Jeffrey Blum, Senior Vice President and Deputy General Counsel (the "August 14th meeting").

SPECTRUM IN THE AUCTION PIPELINE

During the meetings, DISH reiterated its ongoing desire to enter the wireless market, including potential plans to efficiently deploy its AWS-4 spectrum. With regard to the various spectrum proceedings currently pending at the Commission, DISH explained that it supports taking a holistic approach to the upcoming spectrum auctions – including the auction of the H Block, 600 MHz spectrum, and AWS-3 bands. DISH discussed its desire to work with the Commission to determine the best ways to optimize this spectrum, as well as AWS-4. DISH shares the Commission’s goals of freeing up as much spectrum for auction as possible, maximizing revenue for FirstNet and the United States Treasury, and ensuring spectrum is efficiently utilized. To further these goals, DISH urges, among other things, adoption of its proposed “Down from 51 without Supplemental Downlink” plan (“Down from 51 without SDL”). As DISH has explained, the Down from 51 without SDL approach maximizes the amount of usable broadband spectrum; encourages auction participation; complies with the 2012 Spectrum Act’s statutory mandate against excessive guard bands; and leaves open the possibilities for further, future expansion and harmonization.¹

DISH also explained that, given the current regulatory requirements for H Block and AWS-4, it is unlikely DISH will choose to meaningfully participate in the upcoming auction of the H Block. In addition, DISH explained that the Commission’s recent proposal to designate the lower J Block (2020-2025 MHz) for uplink use would make future J Block operations vulnerable to significant interference from adjacent Federal government and Broadcast Auxiliary Service (“BAS”) users above 2025 MHz.²

700 MHZ INTEROPERABILITY

During the August 14th meeting, DISH reiterated that power levels for its Lower 700 MHz E Block licenses are irrelevant to the Commission’s goals with respect to interoperability and should not be linked to resolving the interoperability issues present in the Lower 700 MHz band. The analytical and empirical evidence provided by DISH and a number of Lower A Block licensees all demonstrate that to the extent the Commission adopts 700 MHz interoperability rules, it can do so without changing the Lower 700 MHz E Block authorized power levels. There is thus no technical justification to change authorized power levels in the Lower E Block in this proceeding, because these levels have no impact on the Commission’s goal of promoting interoperability in the Lower 700 MHz band.

¹ See DISH Network Corporation Reply Comments, GN Docket No. 12-268 (June 28, 2013). See also Letter from Jeffrey H. Blum, DISH Network Corporation, to Marlene H. Dortch, FCC, GN Docket Nos. 12-268, 13-185; WT Docket Nos. 12-357, 12-69 (August 2, 2013); Letter from Jeffrey H. Blum, DISH Network Corporation, to Marlene H. Dortch, FCC, GN Docket Nos. 12-268, 13-185; WT Docket No. 12-357 (August 6, 2013).

² See Amendment of the Commission’s Rules with Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands, *Notice of Proposed Rulemaking*, GN Docket No. 13-185, FCC 13-102, ¶ 35 (rel. July 23, 2013). See also Letter from Jeffrey H. Blum, DISH Network, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 12-70 and 04-356; ET Docket No. 10-142, Attachment: S Band Interference from 2025-2110 MHz (Sept. 17, 2012).

Respectfully submitted,

/s/ Jeffrey H. Blum

Jeffrey H. Blum

cc: Ajit Pai
Tom Peters
Renee Gregory
John Leibovitz
Blaise Scinto
Peter Daronco
Brian Regan
Janet Young
Michael Ha